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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ian J. BARCLAY et al.

Confirmation No. 8861

Application No.: 10/021,236

Group Art Unit: 3677

Filing Date: October 30, 2001

Examiner: Brittain, James R.

For: LASER FOR FORMING BAGS FROM A WEB
OF MATERIAL

Atty. Docket No.:

new: 86012-29300-USPT

old: 47097-01034USPT

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office communication dated June 15, 2005, the shortened statutory period ending July 15, 2005, Applicant replies as follows.

In the Office communication mailed November 2, 2004, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

- Group I: Claims 8-11, 13-30, 35-52, 54-69, 117-118, 122-123 and 131-134, drawn to methods of forming terminations along a fastener or creating bags or cutting material into segments, classified in class 219, subclass 121.6; and
- Group II: Claims 119-121, drawn to a fastener or grouping of bags with the fastener, classified in class 383, subclass 63.

If prosecution were restricted to the claims of Group I, the Examiner further required the election of one of the following species under 35 U.S.C. § 121:

- Species I: Comprising the methods shown in Figures 1-11, which do not use a drum;
- Species II: Comprising the method shown in Fig. 15;
- Species III: Comprising the method shown in Figs. 12-14 and 16-24; and

Species IV: Comprising the method shown in Figs. 25A and 25B.

In response to the restriction requirement, Applicant elected the claims of Group I and the method shown in Figs. 12-14 and 16-24 of the application (i.e., Species III). Applicant further stated that claims 9-23, 25-30, 35-52, 54-69, 117-118, 122-123, 131-134 were believed to correspond to the elected embodiment depicted in Figs. 12-14 and 16-24. Of these elected claims, at least claims 9, 13, 25, 117, 122, 131, 132 and 134 were believed to be generic.

In the Office Action dated June 15, 2005, the Examiner has asserted that, as presently amended, claim 132 is not generic because it recites the use of molds.

In response to the restriction requirement, Applicant elects, with traverse, the claims of Group I drawn to methods of forming terminations along a fastener or creating bags or cutting material into segments for further prosecution.

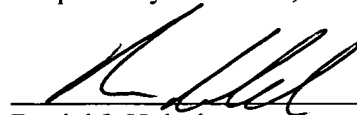
Additionally, and pursuant to the election requirement set forth by the Examiner, Applicant elects, with traverse, the method shown in Figs. 12-14 and 16-24 of the application (i.e., Species III).

Claims 9-23, 25-30, 35-52, 54-69, 122-123, and 133-134 are believed to correspond to the elected embodiment depicted in Figs. 12-14 and 16-24. Of these elected claims, at least claims 9, 13, 25, 122, 133 and 134 are believed to be generic.

No fee or extension of time is believed to be due for this submission. If such a fee or extension is required, please charge any required fees relating to the filing of this amendment to Winston & Strawn LLP deposit account no. 50-1814, Ref. No. 86012-29300-USPT.

Respectfully submitted,

Date June 28, 2005



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